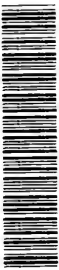


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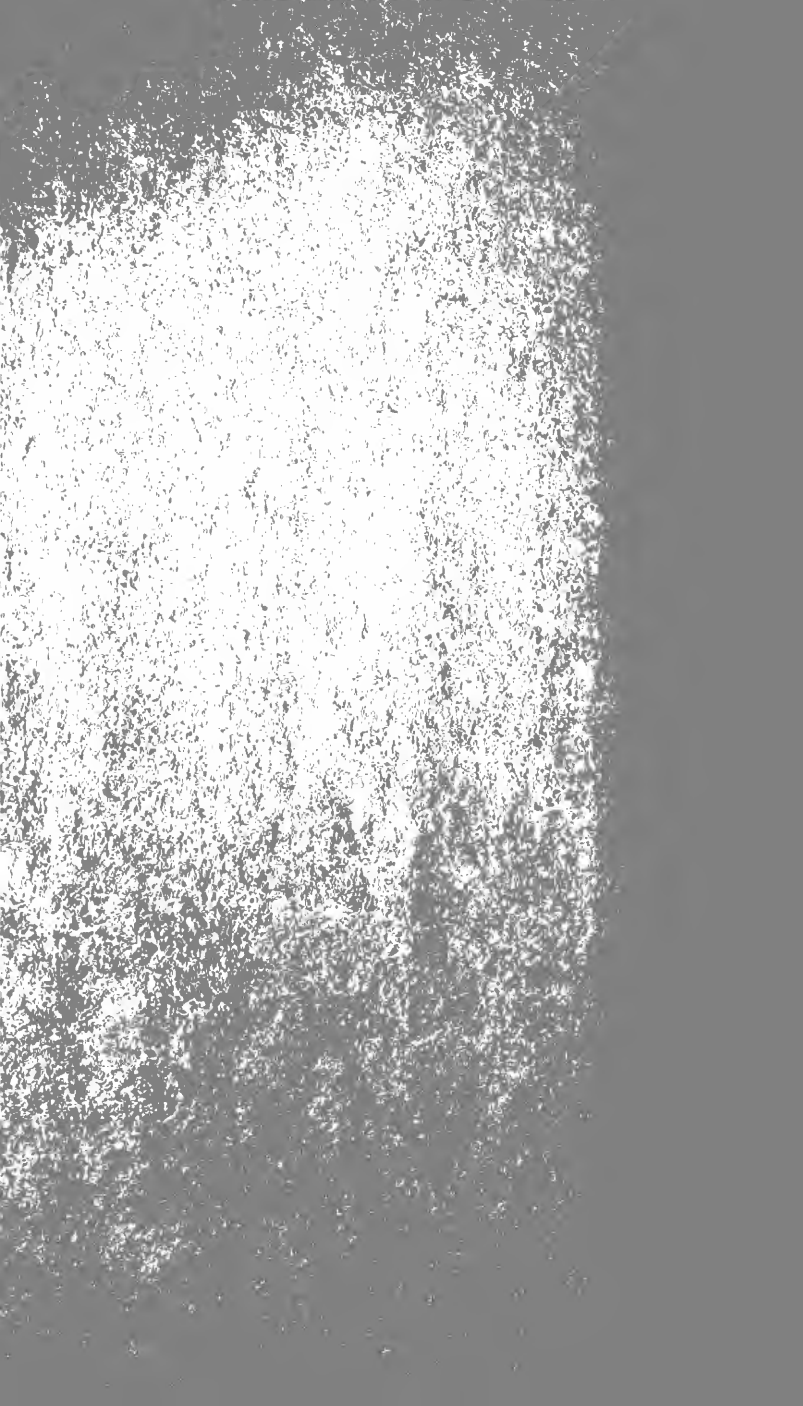
WARDS - POOR LAW





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THE POOR LAW:

A PROPOSAL FOR ITS ABOLITION.

BY

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THE POOR LAW:

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For many years past there has been a growing tendency to believe that the highly-vaunted perfection of the English Poor Law is not so real as the language which is used in its praise would seem to imply. Competent persons have long formed an opinion which is opposed to the spirit of that boast, so often heard, that in England no man need starve. But, although men of great eminence, both as speakers and writers, have turned their thoughts to the subject, their criticisms have been directed rather to the working of the Poor Law than to the Poor Law itself. No one has ventured seriously to discuss the principle upon which the Poor Laws of this country are founded. It has always been assumed that, into whatever evils the mal-administration, or even the defects, of the existing laws may have led us, the principle on which those laws are built up is an indisputable one. The present writer trusts that he will not be considered presumptuous if he indicates some of the false lines of thought, as they appear to him to be, which characterize our Poor Laws.

I.

HARDING

The Englishman's boast is, that no man need starve in this country. What is the principle on which this boast is founded?

Englishmen have inherited, with the Puritanism which still goes to make up a large part of the national character,

a certain impulsive activity of conscience which often leads them into an illogical position. This was the case on the occasion of the abolition of the slave trade; for, during the controversy preceding that event, every consideration of expediency and justice was set on one side in favour of the principle which formed the cry of the hour, that "the man who steps on British soil is free." The evils, indeed, consequent on the abolition of slavery were very small in comparison with the great advantages gained; but in the case of the cry that "no man need starve in England," the harm is great and unceasing.

When society makes a law by which every one of its members is protected against the consequences of his idleness or want of thrift, to whatever extent these may be pushed, a course is adopted exactly opposite to that which is pursued by Nature. Society in England says to the lazy and unthrifty, "If you do not care to work, you shall be supported by the State; you shall not, indeed, be provided with luxuries, but you shall have sufficient food and shelter; you need not fear that any serious task of work will be demanded of you. If, during your youth and manhood, you choose to labour, well and good, but it is not necessary for you to lay up a provision for sickness or old age; you can spend all your spare cash on beer, gin, and luxuries, because you will be provided for at the public charge, in decency and tolerable comfort, when you are no longer able to work!" Nature, on the other hand, says to man, in unmistakable language, "If you do not work, you shall die like a dog in a ditch." Is the method of Society, or that of Nature, more merciful?

Man is so constituted that he can dispense with no safeguard against danger, no aid to exertion, supplied to him by his Maker. The fear of death, of pain, of disease or of suffering in any form, is no small incentive to continuous labour; and a man will exert every faculty in order to avoid these evils. The habit of mind which is cultivated by the

ever-present necessity of exertion is as important to a man's life as a limb of his body is. What would be said of a system which deprived him of an arm, a leg or an eye, and but very imperfectly provided him with a substitute? Yet the English Poor Law renders useless the habit of mind from which activity springs, thus performing an operation which is akin to the amputation of a limb, or the gouging out of an eye.

To look at the matter from another point of view, it may be not unjustly asserted that it is presumptuous in a high degree to interfere with the remedy against sloth and unthrift which a wise Creator has provided. That remedy is to be found in the law by which the penalty of suffering and even death is the natural result of those faults. This law is so clearly promulgated by Nature that even the members of the lower creation are perfectly able to comprehend the principle on which it is founded, and to shape their habits in accordance with it. Society in this country ventures to declare that this natural law is pernicious to man, and proceeds to render it inoperative.

It may be urged in reply to this argument, that, in the present complex state of society in which many interests are involved and the whole fabric is only kept erect by the mutual interdependence of the parts, the working of this law of nature could not be safely allowed to continue without some human contrivance by which its results should be kept in partial abeyance. There is, however, no solid argument to be found in favour of this view. Society is delicate, and does not desire to be shocked; or society wishes to be liberal, and will pay anything sooner than let people die of starvation; or society is patriotic, and desires that England should not be as other countries, in which men may legally die of hunger; in any case, the matter is one of feeling rather than of reason.

No circumstance will ever warrant the infraction of a natural law. Were the arguments in favour of our Poor

Laws ten times as strong as they are, we ought to expect the failure which in fact we find to be the result of a broken law of nature. Can it be fairly said that our system succeeds? The object of the present paper is to show the effect of breaking a natural law by tracing out some of the evil results of our Poor Law system.

There is no reasonable doubt that, in no other civilized part of the world, are there so many deaths traceable to starvation as in this country. During the year 1872, 238 persons died of hunger in England, being 55 fewer than in the previous year. These statistics are based on the verdicts of coroners' juries, but they do not include a probably vast number of deaths accelerated by want. To what end, then, is the boast so often repeated, that starvation is provided against by law, if it is found that in fact very considerable numbers actually do starve, and that probably very many more suffer the severest pangs of hunger, although they do not actually and immediately die from the want of food!

A ready reply to these figures will be made by the assertion that these deaths, and other results, are to be traced to the mal-administration of the existing Poor Laws, which, in themselves, it will be said, are calculated to fulfil all the ends for which they were designed. Yet it would be difficult to devise a more complete system than the present one. There are occasional abuses, no doubt; but it must be remembered that the public are on the look-out for these, and that it is impossible to hush up, or hide away, any serious evil or any real scandal. The working of the Poor Law is entrusted to the best administrators that can be found. It is, no doubt, disappointing to find that so costly and elaborate a machinery as ours is incompetent to prevent a very considerable number of deaths every year, and a certainly large, although imponderable, amount of suffering which only stops short of death. It would be satisfactory to be able to lay the fault of the break-down on the machinery; but this may not be done, for the fault is in the system itself.

To say that the mechanism with which it is worked is defective, is to ascribe another fault to the Poor Law ; for it has at its disposal all those resources with which the system of local government is able to acquit itself fairly well in other departments.

It is not surprising to find that our artificial method of treating poverty is incapable of dealing with that class of case which needs the gentlest handling. In spite of the legal declaration that no man shall want bread, the general feeling of the country is, that a certain amount of disgrace or discredit attaches to the recipient of public relief. This sentiment arises from the disapproval with which society naturally greets failure ; and to sensitive persons the expression of public blame is so serious a matter as to make even death preferable. We thus have the remarkable spectacle of our Poor Law rejected by a considerable number of persons for whom it may be said to have been especially designed, whilst on the other hand it is made use of, to their own injury, by vast numbers who would be, in every sense, better men and better citizens without it. It is impossible to devise a system which should have such qualities of delicacy and adaptability to all circumstances as would make it fit to deal with every case which could arise.

Having dealt with the chief sin of omission of the Poor Law, it is an easier task to point out some of its many sins of commission. Before the passing of the new Act in 1834, it was an acknowledged principle that wages should be habitually supplemented by rates. That principle is no longer openly acted upon, but it is by no means given up. What is, indeed, a Poor Rate of any kind but a rate in aid of wages ? Before 1834, farmers deliberately underpaid their labourers with the intention of making up the deficiency at the parish pay-table. The present system has a precisely similar result, as we may see by taking an example of its working. It may fairly be assumed that the labourer's share of the produce of the soil is just so much as will suffice to

keep him in health and strength, and enable him to lay by sufficient for the exigencies of sickness and old age. If he does not receive this amount, it is clear either that labour is in excess in his neighbourhood, and should be relieved by emigration or by being partially turned to other branches of industry, or that the owner of the land receives more than his fair share. It is an obvious injustice to assign to the owner any portion of the legitimate wages which may be fairly claimed by those who, whether as farmers or labourers, are engaged in tilling the soil. The tendency of legislation has long been in the direction of recognizing the labourers' claim, and to this tendency we owe the establishment and gradual development of the Poor Law system. A considerable proportion of the sum of nearly eight millions expended last year in the direct relief of the poor in England and Wales, was received by the agricultural class. But, if their wages were not sufficiently high in that year, they ought to have received the additional amount in the form of wage, and not through the cumbrous and demoralizing medium of the Poor Law. If the conditions of existence are to be made endurable in this country, every man ought to be able to support himself and his family, provided always that he exercises prudence in the conduct of life, in decency and comfort, and to feel that he is guarded against those ordinary evils of sickness and old age which he is bound to expect. In the case of the agricultural labourer, it is now generally acknowledged that the wages hitherto earned have not been sufficient to enable him to provide himself with the necessaries of life. The parish pay-table and the workhouse have been the means devised to make up the deficiency. The wages of the tillers of the soil have been openly supplemented by a rate mainly raised from land.

Nor is the case of other working men different, in any essential point, from that which has been considered. If, on the one hand, people have a great dread of seeing starvation and misery, they have also, on the other, a great dislike of

seeing the trade profits justly due, as they suppose, to their capital, diminished by so high a rate of wages as would make a Poor Law unnecessary. They prefer, on the whole, to be on the safe, if the unjust, side. It is easier to pay low wages, and to supplement them from the Poor Rates. There are certain industries, mostly connected with the iron and coal trades, which are generally quoted by persons who are ignorant of the state of most other classes of labourers, as showing that labour is universally paid as well as in those more highly favoured trades. No one who is acquainted with the working classes in London and other large towns, will fall into this error. Although the condition of the wage-earning class has enormously improved of late years, there is still a considerable amount of arrears to be made up. Even yet the conditions of life are very severe to large bodies of working men, so that they are obliged to look to other ways of providing for their necessities than to their own resources. The Poor Law naturally presents itself to their view; it is difficult to see in what other way the assistance they receive from that source can be regarded than as supplementing their wages.

Employers of labour may be shocked at the notion that poor relief enters in any way into their calculations when they are settling the amount of wages which they pay. Nevertheless, the connection between Poor Rates and wages is an intimate one. Although it would be difficult to adduce figures in proof of the assertion, it may be stated that the rate of wages is proportionately higher (that is, higher in purchasing power) in France and the north of Italy, where no Poor Law exists, than in England. There is little doubt that the condition of the labouring class (excluding the highest skilled labour) is, on the whole, superior in those countries to that of the corresponding classes here. The French or Piedmontese employer of labour has only to consider the actual value of the labour which he proposes to hire; the English employer finds the question influenced by

the fact that one of the necessities of the labourer's existence—namely, provision against sickness and old age, and even want of work at times—is provided from another source, to which he is himself obliged to contribute. Again, the labourers themselves must be actually, although in most cases insensibly, influenced by the same fact, and be thus induced to offer their services at a lower rate than that to which they are justly entitled. Nor are the lowest strata of working men alone affected in this way. The descent from the higher to the lower grades of the working classes is an easy one, and the distance from the highest to that which is in immediate contact with the working of the Poor Law is not very great: moreover, its influences reach up from the lowest into far higher grades of society than is generally supposed.

The next step is to trace the direct result of the English Poor Law on the working classes themselves. Some brief and easily comprehensible statistics which have appeared in recent reports of the Local Government Board are full of instruction on this subject. The following table shows the comparison of the expenditure for 1874 with that of the eight years immediately preceding:—

Parochial Years.	Expenditure for Relief of the Poor.	Increase or Decrease* on immediately preceding Year.	Increase or Decrease* per Cent.	Rate per Head on Population.	Increase or Decrease* of Rate per Head.
	£.	£.		s. d.	s. d.
1865-66	6,439,515	—	—	6 1 $\frac{1}{4}$	—
1866-67	6,959,841	520,326	8·1	6 6 $\frac{1}{4}$	0 5
1867-68	7,498,061	538,220	7·7	6 11 $\frac{1}{2}$	0 5 $\frac{1}{4}$
1868-69	7,673,100	175,039	2·3	7 0 $\frac{3}{4}$	0 1 $\frac{1}{4}$
1869-70	7,644,307	28,793*	0·4*	6 11 $\frac{1}{2}$	0 1 $\frac{1}{4}$ *
1870-71	7,886,724	242,417	3·2	6 11 $\frac{1}{4}$	0 0 $\frac{1}{4}$ *
1871-72	8,007,403	120,679	1·5	6 11 $\frac{1}{2}$	0 0 $\frac{1}{4}$
1872-73	7,692,169	315,234*	3·9*	6 7 $\frac{1}{4}$	0 4 $\frac{1}{4}$ *
1873-74	7,664,957	27,212*	0·4*	6 6	0 1 $\frac{1}{4}$ *

Decrease marked with asterisk (*).

From this table it will be seen that during a period of great and growing prosperity the amount of money expended on the relief of the poor in England and Wales has swollen from 6s. 1½d. to 6s. 6d. per head on population, although a satisfactory decrease in 1872-74 is observable. If we go back to 1853, the contrast is still more striking, the rate per head being then only 5s. 4½d. During the period tabulated above, both rates and wages have increased considerably. If there is any meaning in a Poor Law at all, surely both ought not to be high at the same moment. Employers of labour, whether agriculturists or manufacturers, cannot pay high poor rates and high wages too. The working classes have a claim upon capitalists, in the form of a mortgage upon the real property of the country, of which the *interest* amounts to the annual sum of nearly eight millions sterling. Some persons are perhaps inclined to believe that the favourable conditions under which land is owned in this country justify even so heavy a burden as this. Assuming that the owner of real property is in an exceptionally favourable position, it is hard to conceive a more clumsy expedient for bringing about a more equitable condition of affairs than the imposition of a huge Poor tax. The obviously just course would be to impose only such burdens on land and houses as should be agreed to be fair, and to foster the movement now in progress which is gradually but surely readjusting the scale of wages in all branches of industry.

Any reflecting person, informed that the English law provided all unemployed, sick, and aged persons with the necessities of life, would conclude that the English working classes would not waste their means in providing against those contingencies. And such, in fact, is the case. One person in about twenty-six is a pauper in England and Wales. It cannot be denied that the majority of those for whom the Poor Law was designed and is maintained, show themselves only too apt to learn the lesson of unthrift which it teaches them. When wages were low, an artificial system

was needed to supplement them ; but the time is rapidly approaching when labour will receive its full remuneration. In many cases this point has been already fully reached, yet it is found that the demand for poor relief is, at best, not seriously diminishing. What is the only logical conclusion which we can draw, but that the wage-earning class is not realizing that their true welfare is to be found in thrift and self-continnence ? Let us suppose that the artificial prop of the Poor Law were removed. What would be the result ? Working men would have to devote from a twentieth to a fifteenth part of their income, at the outside, to the formation of a fund which should be available in case of sickness, or when old age comes upon them. This could be done by means of the existing Benefit Societies, or others founded upon securer principles. As it is, they spend this amount on luxuries, and fall back on the Poor Law in their time of trial.

Hitherto only those points have been considered which relate to the moral effect produced upon the minds of the wage-earning classes by the existence of a Poor Law ; we now approach two of those practical results which spring directly from the state of mind created by those laws.

In the first place, there is no saving among the working classes. The traditional picture of the British tar of a century ago, whose eccentric extravagance has been the source of inexhaustible laughter for several generations, would be no unfitting representation of the more prosperous section of the British workmen of the present day. Much has indeed been done in the direction of thrift by the great Benefit Societies, but their action has been greatly checked by the fact that even the best of them is based upon statistics which do not command the confidence of those qualified to form an opinion of their stability. It is little to the credit of past Governments that slight legislative assistance has been afforded to the only great effort which has been made by the working men of England to raise themselves perma-

nently above the influence of pauperism. The life of a collier, of a London journeyman tailor in the season, or even of an agricultural labourer in the best districts, is one of more or less lavish expenditure; and the idea of joining a Benefit Society, much less of laying by money, but rarely enters the minds of these men. They have no object in doing so in this country. A man who succeeds by his own thrift in providing himself with a little income in case of sickness or old age, is no better off than the man who has led the life of a jovial British workman, and who, in his hour of need, draws from the parish pay-table in all probability about the same income which the other has denied himself many a luxury and enjoyment to procure. The advantage to a country of a large number of small hoards is almost incalculable, as the recent history of France clearly shows. It is not too much to say that the folly and extravagance of Imperialism plunged that country into misfortunes from which the thrift of the working classes extricated her. There are no such hoards in England. If we had an indemnity to pay, we should have to make a hard bargain with those capitalists in whose hands the wealth of the country is accumulating with geometric speed. Is there a single working man in England who holds Consols?

Again, a natural result of an artificial system of relief in sickness, and pensions in old age, is, that early and improvident marriages are usual in England. The life of the working man is bolstered up in every direction by external supports. Is it strange that from the beginning he learns to rely upon them? The population thus increases at an inconvenient and unnatural rate. There are those who think that Malthus was a great enemy of his kind, because he proposed that men should not be allowed to increase and multiply without reference to the means of support which might be available for coming generations. Wise men are able, on the other hand, to see that the real sin against nature consists in an utter disregard of the future. At the present

moment a great wave of prosperity is passing over the wage-earning class. Even the personal want of thrift exhibited by that class is a less evil than the fatal facility with which marriage is entered upon by the working classes. In a generation the labour market will again be overstocked, and the old cry of destitution and misery will once more pervade the land. If men and women had no Poor Law to fall back upon, it is reasonable to suppose that they would not set at defiance, so completely as they now do, the economic laws which govern the supply of labour.

Unless there is some serious flaw in the argument, it is difficult to conceive a much stronger case than that which has been brought forward. It has been shown that a great natural law is broken, and that certain evil consequences are the result of the infraction. We now proceed to consider such means as are at our disposal by way of remedy.

II.

The present time is an appropriate one for the revision of our Poor Laws, because the universal rise in the rate of wages throughout England makes such a revision not only possible but just. As long as wages remained below their fair rate, it is clear that a Poor Law, by supplementing them, had a reason for existence. It would have been very unfair to withdraw a support to which the working classes had long been accustomed, one minute before the time when labour was receiving its full rights. That period, it is generally believed, has now, in most cases, arrived; there can, therefore, hardly be any injustice in expecting that labour, having received its rights, should perform its duties.

If, then, wages are now at, or approaching, their normal height, and if the previous arguments are just, there is no place for a Poor Law such as ours is, and its repeal should be contemplated.

The real difficulty lies in the impossibility of suddenly rooting up a plant of such vigour and long growth as that

law. Nor is it denied that there would be real injustice in any hasty reverse of the present system. Those families whose names appear as paupers in some of our parish books, without a single break, from the days of Queen Elizabeth to those of Queen Victoria, have a prescriptive right to our consideration. As we have pauperized these and a large section of the nation, so we must depauperize them. It does not appear that there would be any insuperable difficulty in a gradual demolition of the present Poor Law fabric. For instance, after due notice, out-door relief might be abolished; there is little doubt that this, as it would be the most righteous, would also be the most fatal blow which could be aimed against the whole system. By degrees even the workhouses might be closed, as the nation became more and more alive to the necessity of leaving to individuals the duty which nature has evidently devolved upon them of providing for their own necessities.

But it will be said that, in what is thus put forward, there is no provision made for that large class of suffering humanity which endures want by no fault of its own, and must always exist to the end of time. The reply to that observation is, that in voluntary effort is to be found the true remedy for unavoidable wretchedness. We do not hear of misery at all equal to that which prevails in this country, in our colonies, in the United States, in Italy, in France, in none of which countries a Poor Law like ours exists. What voluntary effort can effect is seen in the case of the London hospitals, which supply 1,200,000 persons, out of a population of less than four millions, with medical assistance. We might rather fear that aid would be carried to an extreme in general, as it undoubtedly is in medical relief, if the poor were left to voluntary charity. Fortunately the great work which is being done by the Society for the Organization of Charitable Relief gives us some guarantee that the matter would be approached in an intelligent spirit. By the abolition of the Poor Law, the great point would be

gained that no man would be able to *calculate* on assistance. That pregnant evil would at least be done away with. And if, under the new system, a few deaths still annually occurred from starvation—it is impossible to believe there would be as many as there are now—at any rate, the right persons would pay the penalty. Those who die of starvation now are those persons of timid nature who shrink from revealing their misfortunes to the public gaze, and from encountering the rough machinery of a Poor Law. Under a system similar to that of the French *Société de Bienfaisance*, such cases would be treated with the greatest promptness and delicacy. The idle tramp, who now flaunts his laziness in the very face of society, would be the sufferer, as he ought to be, as long as he persisted in his idleness.

Moreover, if a system of voluntary effort were adopted, the grace of charity would become a reality. Under a Poor Law there ought to be no room for such charity as relieves temporal distress. That is the task which the Poor Law sets before itself, and with more or less efficiency performs. It is surely absurd to spend vast sums in the establishment of a public system of relief, and then to supplement it by an irregular habit of giving without rule or discrimination. It is impossible that the two systems can work together; and, in fact, it is found that the main difficulty of the Charity Organization Society is to produce anything like harmony between them.

Charity is the highest religious act of which humanity is capable. Those who are afraid that voluntary effort would leave the work of the many to be done by the few, should be reminded that the work of relief is the privilege, as well as the duty, of the human kind. But experience seems to point in the opposite direction. If a good case is put before an average Englishman, there is no doubt that his purse-strings are easily loosened. Can the payment of a Poor Rate be called charity? Certainly not, if it is the means by which we are compelled to pauperize our fellow-

men. It would be a very different thing if we were called upon voluntarily to provide means to be expended wisely and systematically upon proved cases of distress.

The reader may, perhaps, suppose that it is proposed to restore the work of charitable relief to the clergy. This is not so. The sacerdotal class of no religious body ought to be employed on such a task. The Christian Apostles set apart a body of laymen for that work, expressly that they might themselves be kept free for their own legitimate occupation. But they did not dissociate the idea of charity from that of religion. The true relation of the two seems to be happily caught up in the institution known as Hospital Sunday; it is hard to see why this principle should not be applied as a substitute for our present system. The difficulties in the way of altering our present compulsory method of meeting Pauperism into a voluntary system of charitable relief would be undoubtedly enormous. It might be even objected that the change would leave matters nearly as they are, on the ground that the Poor Laws virtually form a system of charitable relief. In some respects this might be true; but the main evil in our present method would be removed when no man could any longer be able to calculate on external help, and would thus learn to lean only on his own resources. The compulsory system has grown with the nation's growth, and the task of rooting it up, and substituting a better one for it, would undoubtedly be gigantic. But if it can be shown that it never has, and never can, bear satisfactory fruit, England ought not to shrink from the undertaking.

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